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CHAPTER 54. LICENSING OF AERONAUTICAL FACILITIES

CHAPTER EXPIRATION DATE:

Expires on July 12, 2023.

SUBCHAPTER 1. PURPOSE, SCOPE, AND APPLICABILITY

16:54-1.1 Purpose

This chapter identifies those types of aeronautical facilities required to be licensed by the State of New Jersey; outlines the procedures for obtaining license(s); specifies the licensing requirements that applicants must meet; specifies the minimum acceptable design standards for each type of facility; specifies certain operational standards for each type of facility; specifies the liability and penalty for failure to observe the requirements; and describes the procedure for requesting exemption from this chapter.

16:54-1.2 Scope

The rules specified in this chapter, if not in conformity with the laws, rules, and regulations concerning aeronautics set forth by the Federal Aviation Administration, are subject to preemption. If not specifically preempted by Federal standards, the ultimate authority over the regulating and licensing of aeronautical activities and facilities in New Jersey resides with the Commissioner, as provided for in N.J.S.A. 6:1-29 et seq. Decisions regarding denial, issuance, renewal, suspension, or revocation of licenses shall ultimately be determined by the Commissioner.

16:54-1.3 Applicability

(a) The provisions of this chapter apply to the following types of aeronautical facilities:

1. Fixed wing aeronautical facility:
 - i. Airport--Public Use (land or water);
 - ii. Airport--Restricted Use (land or water);
 - iii. Airport--Special Use (land or water); and
 - iv. Ultralight Recreational Facility (land or water);
2. Vertical flight aeronautical facility:
 - i. Heliport--Public Use;
 - ii. Heliport--Restricted Use;
 - iii. Heliport--Special Use;
 - iv. Helistop--Restricted Use; and
 - v. Helistop--Special Use;

3. Lighter than air aeronautical facility:
 - i. Balloonspot--Public Use;
 - ii. Balloonspot--Restricted Use;
 - iii. Balloonspot--Special Use;
 - iv. Airship Base--Public Use (land or water);
 - v. Airship Base--Restricted Use (land or water); and
 - vi. Airship Base--Special Use (land or water);
4. Parachute drop zone aeronautical facility:
 - i. Parachute Drop Zone--Public Use;
 - ii. Parachute Drop Zone--Restricted Use; and
 - iii. Parachute Drop Zone--Special Use; and
5. Temporary aeronautical facilities:
 - i. Airport;
 - ii. Airship base;
 - iii. Balloonspot;
 - iv. Helistop;
 - v. Seaplane Base;
 - vi. Parachute Drop Zone; and
 - vii. Other.

(b) All license applications and renewal applications shall comply fully with the requirements of N.J.A.C. 16:54-3 and 4.

(c) Existing aeronautical facilities that do not meet specific physical dimensional criteria or requirements of this chapter shall have two years to come into compliance. During that period, the licensee shall either make provisions to comply or petition for an exemption from the criteria as provided for in N.J.A.C. 16:54-11.3.

(d) Existing aeronautical facilities which do not meet the requirements of these regulations, other than those described in N.J.A.C. 16:54-1.2(b) or (c) shall have one year to come into compliance. During that period, the licensee shall make provisions to comply with the requirement or to petition for an exemption as provided for in N.J.A.C. 16:54-11.3.

16:54-1.4 (Reserved)

SUBCHAPTER 2. DEFINITIONS

16:54-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Accident" means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and when all

persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Aeronautical activity" means any of the following aviation related commercial activities generally provided to the public or any segment thereof, at an aeronautical facility either by the licensee or his or her tenants or invitees, with or without compensation:

1. Aircraft: sales, charter, rental, lease, storage, operation, hangaring, tiedown, and parking; and parachuting operations, MEDEVAC operations, and sightseeing;

2. Instruction: aircraft flight and ground instruction of all types, license examinations and proficiency checks, crew member training, parachute jumping training,

3. Maintenance: all types of maintenance, repair, inspection, testing, modification, overhaul, corrosion control or painting of aircraft, engines, systems, avionics, parachutes, or ancillary air or ground support equipment; and

4. Servicing: aircraft fueling using fixed, hydrant, mobile, or portable equipment; aircraft engine or systems servicing, including hydraulics, pneumatics, oxygen, lavatory, aircraft catering, electronics, aircraft cleaning, and passenger and crew and associated services.

"Aeronautical facility" means any airport, seaplane base, heliport, helistop, parachute drop zone, ultralight recreational facility, airship base, or balloonsport.

1. The facility includes all property, paving, appliances, structures, seaplane docks, runways, taxiways, seaways, sealanes, aprons, hangars, or safety equipment dedicated to or associated with the aeronautical activities conducted on the premises and property and all land depicted on the Airport Layout Plan (ALP) including all safety zones required for visual or instrument approach procedures as required under FAA, Part 77, Objects Affecting Navigable Airspace.

"Aircraft" means any contrivance now known or hereafter invented, used or designed for air navigation or flight in the air. It includes, but is not limited to: airplanes, airships, blimps, dirigibles, gyroplanes, gliders, helicopters, hot air or gas balloons, seaplanes, tiltrotors, and ultralights.

"Air navigation" means the operating, steering, directing, or managing of aircraft in or through the air, and on the ground or water.

"Airpark" means any area of land, adjacent to an airport, which is authorized by the Department to be utilized as a combined single family residence and aircraft storage facility, and where aircraft stored at adjacent aircraft storage facilities have taxiway access to and from the airport.

"Airplane" means an engine-driven, fixed-wing aircraft that is heavier than air and supported in flight by the dynamic reaction of air against its wings.

"Airport" means a designated area of land, water, or both, which is licensed for the landing and takeoff of airplanes and other aircraft, and which may provide facilities for shelter, security, and service of aircraft.

"Airport layout plan" or "ALP" means a graphic presentation to scale of existing and proposed facilities at an aeronautical facility. It includes their location on the site and the pertinent clearance and dimensional information required to show conformity with applicable standards.

"Airport reference point" or "ARP" means the centroid of the runways plotted using formulas found in FAA A/C 150-5300-13. The ARP is identified in latitude and longitude to the hundredth of a second.

"Airport safety zone" means an area delineated on an airport open to the public that is geometrically constructed for each runway in accordance with N.J.A.C. 16:62, Air Safety and Zoning.

"Airship" means an engine-driven, lighter than air, aircraft that can be steered.

"Airship base" means any area of land or water of defined dimensions licensed for the take-off and landing of airships.

"Alteration" means any construction, demolition, or modification to the surface, design, or operational areas of an aeronautical facility which affects, increases, or diminishes its operational capabilities.

"Approach/departure path" means a prescribed area extending outward and upward at a prescribed ratio from a landing or takeoff area, along the intended route of flight conducted into or out of an approved aeronautical facility.

"Appropriate governing body" means the office of the mayor or other chief executive official of the municipality in which the proposed aeronautical facility is located.

"Balloon" means a lighter than air aircraft whose lift is derived from the buoyancy of hot air or certain gases and which is not engine driven.

"Balloonspot" or "balloonport" means any areas of land or water of defined dimensions licensed for the takeoff of manned, free-flight balloons.

"Building restriction line" means a line that is a specified distance from the centerline of a runway.

"Bureau" means the Bureau of Aeronautics in the New Jersey Department of Transportation.

"Certified plan drawing" means a drawing certified as accurate by a licensed land surveyor, licensed professional planner, or licensed professional engineer, and bearing the raised seal of the person certifying the drawing. The drawing may include final plans, specifications, surveys, structural analyses, or other documentation required for the issuance of a construction permit for new structures and additions or renovations of existing structures.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation or such person as the Commissioner may designate, when legally permissible.

"Crewmember" means an individual who assists in the preflight inflation, launch, chase, landing (arrival) and recovery of a balloon; or any person authorized and assigned to perform duties in any aircraft during flight.

"Department" means the New Jersey Department of Transportation.

"Director" means the Director of the Division of Multimodal Services.

"Division" means the Division of Multimodal Services in the New Jersey Department of Transportation.

"Effective runway length" means that distance on a runway, beginning at a point on the runway surface where the obstruction-free, applicable approach slope intersects the runway, and measured along the runway centerline to the end of the runway in the landing direction.

"Exemption" means relief from a specific provision of this rule permanently or for a specified extended period of time.

"FAA" means the Federal Aviation Administration.

"Final approach and takeoff area" or "FATO" means a defined area over which the pilot completes the final phase of the approach to a hover or a landing and from which the pilot initiates takeoff.

"Free-flight" means the act of flying a manned balloon which is not tethered to the ground.

"Helicopter" means a rotary wing aircraft that depends principally upon the lift generated by engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

"Heliport" means a dedicated area of defined dimensions, either at ground level or elevated on a structure, designated for the landing or takeoff of helicopters and used solely for that purpose.

"Helistop" means an area of defined dimensions, either at ground level or elevated on a structure designated for the landing or take off of helicopters, but not limited in use to that sole purpose. Helistops generally provide minimal or no support facilities and may be located in multiple use areas such as parking lots, dock areas, parks, athletic fields or other suitable open areas.

"Incident" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operation of an aircraft, or which affects or could affect the operational capability of an aeronautical facility, or in which any person suffered an injury which was not a serious injury and which did not result in death.

"Licensee" means any person(s) whose name appears on the license of, and who is responsible for, or who controls operations at, an aeronautical facility.

"Manager" means the Manager of the Bureau of Aeronautics.

"MEDEVAC" means helicopter air ambulance operations certified by the New Jersey Department of Health, Office of Emergency Medical Services, in accordance with 14 CFR Part 135, Subpart L and FAA Advisory Circular 135-14B, as amended and supplemented, which are dispatched through an air medical helicopter dispatch center.

"MSL" means mean sea level.

"Moored or tethered flight" means the act of operating a balloon secured to the ground by sufficient and suitable means to permit vertical movements where no intention of launch into free-flight exists.

"Notice to Airmen" or "NOTAM" means a notice or advisory concerning the establishment, condition, or change in any aeronautical facility, service, procedure, or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

"NTSB" means the National Transportation Safety Board.

"Obstruction to air navigation" means an object of greater height than any of the heights or surfaces in accordance with 14 CFR Part 77, Subpart C and N.J.A.C. 16:62, Air Safety and Zoning.

"Parachute drop zone" means an area of defined dimensions, on the earth's surface, designated for the landing of parachutists.

"Parachuting exhibition" means the operation by specially qualified individual(s) engaged in parachuting to a specifically authorized drop zone, for exhibition purposes.

"Public use aeronautical facility" means any area of land, water, or both which is licensed for the landing or takeoff of aircraft and open to the public for aeronautical operations. Public use aeronautical facilities may be utilized, advertised, and represented as such.

"Reference point" means a point on the earth's surface, identified in terms of latitude and longitude to the nearest second, from which all linear measurements originate when applying the criteria of this chapter to helicopter facilities. The facility reference point will always be the exact center of the helicopter touchdown area.

"Restricted use aeronautical facility" means any area of land, water or both, which is licensed for the landing or takeoff of aircraft under the conditions or restrictions imposed by the Bureau of Aeronautics, the licensee, or both.

"Runway" means a defined rectangular area of airport land prepared for the landing or takeoff of aircraft along its length.

"Runway safety area" means a defined surface surrounding the runway prepared or suitable for reducing the risk of damage to aircraft in the event of an undershoot, overshoot, or excursion from the runway.

"Safety area" means a defined area on a heliport surrounding the FATO intended to reduce the risk of damage to helicopters accidentally diverging from the FATO.

"Sealane" means a designated portion of water intended to be used by aircraft designed to operate on water.

"Seaplane base" means any landing area of water (with or without land support facilities) that is licensed for the landing or takeoff of aircraft that are able to utilize a water surface.

"Shelter" means an enclosed structure to provide for the comfort of persons against rain, wind, sun and adverse water.

"Special use aeronautical facility" means any area of land, water, or both which is licensed for the landing and takeoff of specifically designated aircraft piloted by specifically identified individuals, as authorized by the Bureau, in writing on the license, or on an attachment to that license.

"Taxiing" means a powered movement of an aircraft on the ground or water from one area to another. This definition includes hover-taxi as well as ground taxi for helicopters depending on the type of landing gear and the surface area being used.

"Taxiway" means a defined pathway established for movement of an aircraft on an aeronautical facility.

"Touchdown and liftoff area" or "TLOF" means a load-bearing, generally paved area, normally centered in the FATO, on which the helicopter lands or takes off.

"Ultralight aircraft" means an aircraft which conforms to the Federal Aviation Administration specifications for an ultralight aircraft as established by Federal regulation under 14 CFR 103.1.

"Ultralight recreational facility" means a designated area of land, water, or both, which is licensed for the landing and takeoff of ultralight aircraft only, and which may provide facilities for shelter, security, and service of ultralight aircraft.

"Vertical flight aircraft" means any powered aircraft which is capable of vertical or near vertical takeoff and landing operations including but not limited to rotor wing aircraft, tiltrotor aircraft, tilt wing aircraft, and fan in wing aircraft.

"VFR" means visual flight rules.

"USPA" means United States Parachute Association. Information, manuals, and circulars can be found at www.uspa.org.

"Waiver" means relief from application requirements of this rule or temporary relief from other provisions of this rule for a specified limited time period.

16:54-2.2 Definitions incorporated by reference

Other definitions as described in 14 CFR Part 1, the FAA Airman's Information Manual, and FAA Advisory Circulars are incorporated herein by reference, as amended and supplemented, except where the definitions are inconsistent with this chapter, in which case, this chapter shall control.

16:54-2.3 (Reserved)

16:54-2.4 (Reserved)

16:54-2.5 (Reserved)

16:54-2.6 (Reserved)

16:54-2.7 (Reserved)

16:54-2.8 (Reserved)

16:54-2.9 (Reserved)

16:54-2.10 (Reserved)

SUBCHAPTER 3. APPLICATION FOR LICENSE

16:54-3.1 Application forms for permanent facilities

(a) All persons proposing the opening of a new aeronautical facility, the alteration to, or deactivation or abandonment of, an existing aeronautical facility listed in N.J.A.C. 16:54-1.3 shall submit to the Bureau an "Application for Aeronautical Facility License," Form DA-1, and "Aeronautical Facility Agreement," Form DA-2, or "Application for Aeronautical Facility Alteration, Deactivation, or Abandonment," Form DA-3, including all applicable attachments and FAA Form 7480-1 "Notice of Landing Area Proposal," if required. The forms may be found at <http://www.state.nj.us/transportation/airwater/aviation/forms.shtm>.

1. The application shall include, at a minimum:

i. For Form DA-1 applications, all of the items listed in this section as applicable to the type of facility desired;

ii. For Form DA-3 applications, resubmission of required attachments may be waived if the attachments are currently on file in the Bureau, and show current data;

iii. A description of the expected use and activity level of the new or altered facility;

iv. Proof that the applicant has notified the appropriate governing body where the proposed facility would be located and provided at least one set of certified plan drawings and project description;

v. Additional materials as may be requested by the Manager, to substantiate the application; and

vi. The appropriate application or license renewal fee in accordance with the following schedule:

(1) For any public use airport, seaplane base, heliport, helistop, airship base, or balloonspot, the fee for initial application for license or for annual renewal of any license shall be \$ 35.00.

(2) For any restricted use airport, seaplane base, heliport, helistop, airship base, or balloonspot, the fee for initial application for license or for annual renewal of any license shall be \$ 25.00.

(3) For any special use airport, seaplane base, heliport, helistop, airship base, or balloonspot, the fee for initial application for license or for annual renewal of any license shall be \$ 15.00.

(4) For any temporary airport, seaplane base, heliport, helistop, airship base, or balloonspot, the fee for application for license shall be \$ 10.00.

(5) For any parachute drop zone or parachuting event, the fee for license shall be \$ 20.00.

(6) For any ultralight recreational facility, the fee for license shall be \$ 15.00.

2. Unless otherwise specified in this chapter, submit a scaled certified plan drawing(s) or an annotated scaled aerial photograph, and a scaled certified profile drawing, showing the specific information required for the specific type of facility.

i. For airports, a scale of one inch equals 400 feet shall be used showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field elevation (MSL);

(4) Actual length and width, of runway(s);

(5) Magnetic alignment of runway(s) to nearest second;

(6) Location(s), use, and height(s), of structures on or proposed for the facility.

(7) Location(s), use, and height(s) (MSL), of obstruction(s) in the Airport Safety Zone, if applicable;

(8) Location(s), use, and height(s) (MSL), of obstruction(s) at facilities, where Airport Safety Zoning does not apply, contiguous to the facility within at least 3,000 feet from the end of each runway and at least 500 feet from each side of the centerline of the runway(s);

(9) Proposed air traffic patterns superimposed on the drawing with pattern altitudes indicated;

(10) Include a listing of all aeronautical facilities located within five miles of the site; and

(11) Facility property lines and municipal boundaries.

ii. For heliports or helistops, a scale of one inch equals 50 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field elevations (MSL);

(4) Actual depiction and dimensions of the TLOF and FATO;

(5) Location(s) and height(s) (MSL) of any obstructions within a radius of 1,000 feet of the reference point;

(6) Depiction(s) of approach/departure path(s);

(7) Facility property lines and municipal boundaries; and

(8) For an elevated heliport or helistop, submit a certified plan drawing showing that the load bearing capability structural limits of any structure proposed is sufficient for the type of operations anticipated.

iii. Also for heliports and helistops, a scale of one inch equals 400 feet shall be used showing:

(1) Location(s) and height(s) (MSL) of any obstructions within a radius of 3,000 feet of the reference point;

(2) Depiction(s) of approach/departure path(s); and

(3) Facility property lines and municipal boundaries.

iv. For balloonsports, a scale of one inch equals 100 feet shall be used showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field elevation (MSL);

(4) Actual dimensions of the departure area;

(5) Location(s) and height(s) (MSL) of any obstructions within a radius of 1,000 feet of the center of the proposed facility; and

(6) Facility property lines and municipal boundaries.

v. For airship bases, a scale of one inch equals 100 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field evaluation (MSL);

(4) Actual dimensions of the operating area;

(5) Magnetic alignment of runway(s) to nearest second;

(6) Mast location and airship drift clearance; and

(7) Location(s), use, and height(s), of structures on or proposed for the facility.

vi. Also for airship bases, a scale of one inch equals 400 feet shall also be used showing:

(1) Proposed air traffic patterns superimposed on the drawing with pattern altitudes indicated; and

(2) Mast location and airship drift clearance.

vii. For parachute drop zones, a scale of one inch equals 400 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Actual dimensions of the drop zone;

(4) Locations, runway alignments, and traffic patterns of any other aeronautical facilities within 3,000 feet of the center of the drop zone;

(5) All roads, streets, powerlines, telephone lines, and bodies of water (where any depth at any time exceeds four feet), within 1,000 feet of the center of the drop zone;

(6) All buildings with heights above the drop zone elevation within 500 feet of the center of the drop zone; and

(7) All inhabited buildings within 1,000 feet of the center of the drop zone.

viii. Parachute drop zone applications shall also include a listing of all aeronautical facilities located within five miles of the site.

ix. A license for an ultralight recreational facility is not required if the facility is located at a licensed airport. If the facility is at a location other than an airport, a license is required and the application shall include:

(1) A completed copy of FAA Form 7480-1, "Notice of Proposed Construction or Alteration" (or subsequent form as amended and supplemented) at the same time the form is submitted to the FAA. Submit a copy of the FAA Final Determination of Landing Area proposal, when received;

(2) A sketch that includes sufficient detail to demonstrate that the proposed ultralight recreational facility is capable of accepting the operation proposed;

(3) Certification that the areas to be utilized are under the control of the applicant or are being used with the permission of the landowner;

(4) A description of the provisions to be made for the safety of those persons in the immediate vicinity of the operation and those participating in the operations;

(5) The name, address, and phone number of the person responsible for the conduct of operations at the proposed facility;

(6) Aircraft specifications and performance data indicating that the intended operations can be safely conducted in the areas intended for use; and

(7) A description of the general qualifications of persons intending to utilize the facility.

x. Ultralight recreational facility licenses shall provide delineation of approved operations, and all applicable privileges, restrictions, or limitations.

xi. For abandonment or deactivation of any facility, certified drawings are not required.

3. Upon request by the Manager, submit a legal description, certified by a land surveyor or professional engineer licensed by the State Board of Professional Engineers and Land Surveyors as truly describing the site for which a license is requested or held.

4. If the aeronautical facility premises are not owned by the applicant, the applicant shall:

i. Identify on the license application the owner(s) and any other parties who hold an interest in the property by lease or otherwise, and specify their interest; and

ii. Upon request, submit copies of all documents of title or interest to the Bureau. Prior to licensing, the applicant shall submit written approval for the facility from the person(s) controlling the proposed facility premises.

5. In addition to the materials required in (a)1 to 4 above, the applicant shall submit copies of permits, or applications for permits, notices of intent, or other documents that are required by any other Federal, State, or local agency with jurisdiction. If only permit applications are submitted, final permits or letters of denial shall be submitted when received.

6. For any change that will require relocation, transfer, or eviction of tenants, submit a plan explaining how facility tenants and/or users are to be notified, and what opportunities are available for relocation;

7. Applicants submitting requests under the requirements of N.J.A.C. 16:56, Airport Grant and Loan Program, are exempt from duplicate DA-1 and DA-2 requirements;

8. Submit a completed copy of FAA Form 7480-1, "Notice of Proposed Construction or Alteration" (or subsequent form as amended and supplemented) at the same time the form is submitted to the FAA; and

9. Submit a copy of the FAA Final Determination of Landing Area proposal, when received.

(b) Pursuant to N.J.A.C. 16:54-11, the applicant may request, in writing, to the Bureau, waivers of application requirements. The Manager may approve the waivers based on the following:

1. Hardship to the applicant; or
2. Demonstrated substantial compliance with the provisions of this chapter; or
3. When the scope and magnitude of the requirement does not require full compliance.

16:54-3.2 Notice to the public

(a) The applicant shall publish a legal notice as shown in Appendix A, incorporated herein by reference, upon notification by the Bureau that a complete application has been received.

1. The legal notice shall be published in at least two newspapers serving the jurisdiction of the appropriate governing body.

2. One of the papers shall be the official publication designated by the appropriate governing body for public notices and the second shall be the newspaper designated as secondary, or, if not so designated, shall be a newspaper circulated widely in that political subdivision.

(b) The notice shall contain the text prepared by the Bureau and shall provide a period for public comment and response of not less than 30 days.

(c) The applicant shall submit, to the Bureau of Aeronautics, certified proof of publication in the two newspapers. Where the publication dates differ, the later publication date will be used by the Bureau in determining the public period for comment.

(d) Waivers to the notice requirement will not be given for any proposal to construct a new aeronautical facility. When waivers of the public notice requirement are granted in accordance with N.J.A.C. 16:54-3.1(b), the applicant shall still be required to notify the appropriate governing body, in writing, of the action being requested in the application.

16:54-3.3 Public hearing or informational meeting

(a) The Commissioner may require that public hearings and/or informational meetings to be held regarding an application for license.

(b) The applicant shall be prepared to provide relevant data and information regarding the application at a public hearing or at any proceeding required by the Bureau. The applicant is

responsible for preparing a formal transcript of the public hearing, and submitting that transcript to the Bureau. The hearing or proceeding shall be conducted at no cost to the Department.

16:54-3.4 Application review

(a) All applications for aeronautical facility licenses shall be reviewed by the Bureau to ascertain that the minimum requirements of this chapter are met, and to determine whether the issuance of the license would be consistent with public health, safety, and welfare, and the development of aeronautics in the State. In making its determination, the Bureau will consider aviation development, surrounding land uses, local land use ordinances, topography, the potential impact of noise produced by the aircraft in accordance with FAA regulations, air traffic patterns proposed to be used, air operational demand, aircraft movement operations, capacity of nearby aeronautical facilities, economic factors, public comments, public hearing testimony, comments from local authorities, and any other factors deemed relevant by the Department. Final decisions will be made by the Director based on the determination of the Bureau.

1. The Bureau reserves the right to approve the methods, standards, techniques, and sites to be used in the construction, change, modification, and/or alteration of new or existing aeronautical facilities to ensure compliance with reasonable engineering practices and the safety of the public.

2. Any proposed changes to an approved application must be provided to the Manager for review and approval before proceeding with the change. Changes to a previously submitted application that would substantially change the impact of the facility on the contiguous land area or airspace, cannot be approved and will require the submission of a new application incorporating the changes.

16:54-3.5 Bureau notification to appropriate governing bodies

(a) Upon receipt of the completed application, the Bureau shall provide written notification to the appropriate governing body.

(b) The appropriate governing body shall provide written comments, if any, related to the application to the Bureau within 60 days of the date of notification. The Bureau will consider these comments during the licensing review. If the appropriate governing body does not provide comments within the 60-day period, the Bureau will proceed with the application review process.

(c) The Bureau will respond in writing, within 90 days, to the appropriate governing body regarding a final determination.

(d) The Bureau's response will be deemed the final decision regarding any comments received.

16:54-3.6 Approvals

(a) Pursuant to N.J.S.A. 6:1-29 et seq., the Commissioner of the Department of Transportation has the authority to determine the establishment, location, maintenance, operation, size, design, repair, management, and use of airports, landing strips, heliports and helistops, sport parachuting centers, and other aeronautical facilities.

(b) The Bureau will approve or deny an application within 90 days of receipt of the completed application.

(c) If the application is approved, the applicant shall receive a license, Form DA-L-1, Aeronautical Facility License, for the facility upon completion of construction, final inspection and approval by the Bureau. If the application is denied, the applicant may petition the Commissioner for exemption in accordance with N.J.A.C. 16:54-11.3, Petition for Exemption.

16:54-3.7 Commencement of activities

No construction, alteration, closure, or use shall occur until the applicant receives written approval from the Manager.

SUBCHAPTER 4. LICENSES

16:54-4.1 Renewals

(a) Unless otherwise specified to the contrary on the license as issued by the Department, all licenses issued under the provisions of this chapter shall expire on the following dates:

1. Temporary licenses shall expire on the date specified on the license as issued by the Department.

2. Ultralight recreational facility licenses shall expire on the last day of April following the issuance of the license.

3. Annual parachute drop zone licenses and other public use, restricted use, and special use aeronautical facility licenses issued on an annual basis shall expire in accordance with the following schedule:

i. Licenses issued in November, December, and January shall expire on January 31st of the following year;

ii. Licenses issued in February, March, and April shall expire on April 30th of the following year;

iii. Licenses issued in May, June, and July shall expire on July 31st of the following year; and

iv. Licenses issued in August, September, and October shall expire on October 31st of the following year.

(b) The Bureau shall renew an aeronautical facility license in accordance with the following procedures:

1. The Bureau shall issue an aeronautical facility renewal, Form DA-4, which includes a facility inspection and certification attachment, to the licensee of record, not less than 30 days prior to the expiration of the current license.

2. The Bureau shall issue to the appropriate governing body, a Notice of Intent to Renew the License for all public use aeronautical facilities.

3. Licensees shall conduct a facility inspection using the form provided and shall certify that the facility is being maintained in compliance with the provisions of this chapter and any conditions stipulated in the license.

4. Licensees shall submit to the Bureau:

i. The renewal application, Form DA-4, with any changes annotated thereon,

ii. The appropriate renewal fee in accordance with the provisions of N.J.A.C. 16:54-3.1; and

iii. The completed facility inspection attachment Form DA-4 signed by the licensee.

5. The Bureau may conduct facility inspections to verify the information submitted in the renewal process.

6. Upon review and determination that the licensee's renewal application, with attachments, is in compliance with this chapter the license will be renewed.

(c) Areas of non-compliance found during the review process will be reported to the licensee for corrective action. Licensees shall submit a plan for corrective action along with a schedule for accomplishing those actions.

(d) Licensees may petition the Commissioner for a waiver or exemption from those requirements with which they are found in noncompliance.

(e) The Manager may extend for up to 90 days, any license issued by the Bureau, when requested by the licensee in order for the licensee to come into compliance or when the extension of the license is in the best interest of the public safety and the safety of those using the licensed aeronautical facility.

(f) If the licensee is not in compliance with this chapter and has not been granted a waiver or exemption, the license shall expire in accordance with the provisions of (a) above, or at the end of any extension period granted by the Manager in accordance with (e) above.

16:54-4.2 Transfers

(a) Aeronautical facility licenses may be transferred to the new owner under the following conditions:

1. The licensee shall submit a written request to the Bureau, which includes a letter of intent to transfer ownership or control, and must receive Bureau approval before proceeding with the transfer. The licensee shall submit a copy of that request, including a copy of the letter of intent, to the appropriate governing body.

2. The new owner shall, within 30 days of the transfer of ownership or control, submit to the Bureau, a signed Form DA-2, Aeronautical Facility Agreement, and proof of legal transfer of ownership or control of the facility.

(b) Upon receipt of the documents required by (a) above, the Bureau may issue an amended license in the name of the new owner.

(c) Failure to comply with the provisions of this section will result in suspension of the facility license.

16:54-4.3 Abandonment, deactivation, and surrender of license

(a) Licensees who wish to deactivate or abandon their facility shall:

1. Submit a completed copy of Form DA-3, Application for Aeronautical Facility Alteration Deactivation or Abandonment, to the Bureau not less than 30 days prior to the desired date of closure;

2. Submit a copy of FAA Form 7480-1, Notice of Proposed Construction or Alteration, (or subsequent form as amended or superseded as submitted to the FAA requesting closure;

3. Submit a plan, satisfactory to the Manager, explaining how facility tenants and/or users are to be notified of the closure and what opportunities are available to them for relocation; and

4. Where applicable, the licensee shall submit a plan detailing how provisions of N.J.S.A. 6:1-94 (c) will be met.

(b) The Manager shall determine, within 10 days of receipt of the application, whether the request to deactivate or abandon the facility is in the best interest of the State, the aviation community, and the general public.

1. Licensees shall be notified of the Manager's decision concerning the application for abandonment or deactivation within 15 days of receipt of the application.

2. The Manager may delay the requested closure date pending compliance with the procedures in (a) above.

3. In the event that the Manager determines that in the best interests of the State of New Jersey, the aeronautical facility should remain open, he or she will recommend that the Commissioner exercise the authority granted under N.J.S.A. 6:1-95 to acquire the facility. If the Commissioner does not acquire the aeronautical facility, the licensee's request for abandonment or deactivation will be approved.

(c) Licensees who have received approval to deactivate or abandon their facility shall surrender their license to the Bureau within 30 days after approval of the closure or within 30 days after actual closure, whichever comes later.

(d) Licensees whose license has been suspended or revoked shall immediately surrender their license to the Bureau or upon demand directly to any duly authorized representative of the Bureau.

16:54-4.4 (Reserved)

SUBCHAPTER 5. GENERAL REQUIREMENTS

16:54-5.1 General requirements for all aeronautical facilities

(a) All aeronautical facilities and all operations at aeronautical facilities shall conform to the Federal Aviation Regulations of the United States, the laws of the State of New Jersey, the orders issued by the Commissioner, and the rules promulgated by the Department of Transportation.

(b) All licensed aeronautical facilities shall be maintained in a safe and hazard-free condition.

(c) Licensees shall provide safeguards acceptable to the Bureau to prevent inadvertent entry by unauthorized persons to the aeronautical operating area of the aeronautical facility. These safeguards shall be sufficient to prevent inadvertent entry at all times when flight operations are in progress or when aircraft are being operated or prepared for operations.

(d) Aircraft capable of meeting FAA certification specifications for landing or takeoff at an aeronautical facility of a specified size may not be prohibited from using any public use aeronautical facility of that size or greater. Use shall be restricted or prohibited when it violates FAA or Department rules or regulations. Use may be restricted or prohibited when it would conflict with the aeronautical facility's General Operating Rules prepared by the licensee in accordance with N.J.A.C. 16:54-5.2(a) and as approved by the Bureau. Licensees who enter into agreements with others, restricting or prohibiting certain aeronautical activities, aircraft operations, or certain types of aircraft at their aeronautical facility shall include all such provisions in their General Operating Rules. The Manager may make such limitations a condition of the license.

(e) Licensees shall provide the Bureau with the current name, home address, and telephone numbers of the facility manager or responsible official who may be contacted at any time in case of emergency.

(f) Facility inspections may be conducted at any aeronautical facility or proposed aeronautical facility in accordance with the following procedures:

1. Any duly authorized representative of the Bureau, upon presentation of Department credentials, will be permitted to enter and inspect the premises at any time during scheduled hours of operation.

2. Any authorized representative will be permitted to inspect all records and/or equipment related to the aeronautical facility during the inspection. The inspection may include:

- i. An evaluation of compliance with industry standards;
- ii. A review of the General Operating Rules in use or proposed; and/or
- iii. A safety inspection of the physical facility.

(g) The Certificate of License shall be displayed on the premises at all times, and shall be presented for inspection upon demand of any police officer of this State, or any representative of the Bureau.

(h) Licensees shall not have had more than one suspension of a previously held aeronautical license within the past five years.

(i) Licensees who are not residents of New Jersey shall have an authorized agent registered with the State to act on their behalf. Licensees that are corporations shall be registered to do business in New Jersey.

(j) No buildings, structures, trees, or other permanent or semipermanent obstructions shall be built or located between the building restriction line and the runway.

16:54-5.2 General requirements for all public use aeronautical facilities

(a) Licensees shall establish written aeronautical facility General Operating Rules to ensure the public safety, the safety of the general flying public, and the safety of those using the aeronautical facility. Licensees shall submit their proposed rules to the Manager for review and approval. Upon approval, the licensee shall distribute the General Operating Rules to all tenants and make the rules available to other users and the general public. In addition, the licensee shall post the rules in conspicuous places at the aeronautical facility.

(b) Aeronautical activities may be conducted at public use aeronautical facilities. For the purposes of land use, aeronautical activities are authorized uses at public use aeronautical facilities.

(c) Licensees shall establish and enforce written General Operating Rules to ensure adequate oversight and control of aeronautical activities conducted at their facility. The General Operating Rules shall be reviewed and approved by the Bureau, as follows:

1. Licensees shall:
 - i. Notify the Bureau in writing that licensed aeronautical activities occur at the facility;
 - ii. Submit copies of the General Operating Rules for review; and
 - iii. Open the facility to inspections by any duly authorized representative of the Bureau during scheduled hours of operations. The inspection may include:
 - (1) An evaluation of general compliance with industry standards;
 - (2) A review of the implementation of the General Operating Rules in use or proposed; and/or

(3) A safety inspection of the facility.

2. Licensees shall be notified by the Bureau regarding the approval of, or need for revisions to, the General Operating Rules.

3. Upon approval by the Bureau of the General Operating Rules, licensees shall post the General Operating Rules in a conspicuous place at the aeronautical facility. Licensees shall provide copies of the approved General Operating Rules to tenants and those others engaged in aeronautical activities at the facility. Licensees shall make copies available to other users of the facility.

4. Revisions to General Operating Rules that are required because of changes in aeronautical activities must be submitted to the Bureau in accordance with (c)1 above, within 90 days of any such change.

(d) Licensees shall enforce the approved and posted General Operating Rules.

(e) Compliance with these General Operating Rules shall not relieve the operator of any aeronautical activity from the responsibility to comply with other regulatory requirements.

(f) Public telephones or other means of communication must be available at all times for emergency service notification (fire, police, and rescue) and for contact with FAA air traffic facilities. Emergency phone numbers or notification procedures shall be conspicuously posted.

16:54-5.3 General requirements for restricted use aeronautical facilities

(a) Restricted use aeronautical facilities shall not be open to general public use and shall not be utilized, advertised, or represented as such.

(b) Licensees, or their designees, shall be responsible for approving the use into or out of the aeronautical facility for aircraft operations by an individual. Approved users shall be advised of facility conditions or restrictions which may affect aircraft operations.

(c) Aeronautical activities may be conducted on restricted use aeronautical facilities only upon written request to, and after concurrence by, the Bureau. For the purposes of land use, aeronautical activities may be authorized at restricted use aeronautical facilities.

(d) Licensees shall establish and enforce written General Operating Rules for the management and control of all aeronautical activities authorized to be conducted at their aeronautical facility.

(e) Licensees shall establish written aeronautical facility General Operating Rules in accordance with the provisions of N.J.A.C. 16:54-5.2.

(f) Restricted use aeronautical facilities that require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-3 for each site, unless the requirements are waived in accordance with N.J.A.C. 16:54-3.1(b). Each approved auxiliary site will be listed on the facility license.

16:54-5.4 General requirements for special use aeronautical facilities

(a) Special use aeronautical facilities shall be available only to those persons specifically listed on the license, using only that equipment specifically listed on the license and meeting FAA certificated aircraft operating performance manual standards and limitations.

(b) Applicants for, and proposed users of, a special use aeronautical facility may be required to conduct a flight demonstration, at a licensed public use aeronautical facility, to satisfactorily demonstrate their ability to operate in a space of like dimensions to that proposed in the application.

(c) Aeronautical activities shall not be permitted at these facilities, except when specifically authorized by the license.

(d) Special use aeronautical facilities that require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-3 for each site, unless the requirements are waived in accordance with N.J.A.C. 16:54-3.1(b). Each approved auxiliary site will be listed on the facility license.

SUBCHAPTER 6. DESIGN STANDARDS

16:54-6.1 General design standards for all facilities

All licensed and proposed aeronautical facilities shall be designed, constructed, and maintained in accordance with the provisions of N.J.A.C. 16:54-6.2, 6.3, and 6.4, in order to provide for the public safety, the safety of those participating in aviation, and the safety of those using the aeronautical facility.

16:54-6.2 General design standards for public use aeronautical facilities

(a) Each proposed or licensed public use aeronautical facility shall meet or exceed the minimum standards specified for the respective type of aeronautical facility.

1. Public use airport (land or water) shall be as follows:

i. Public use airports (land) shall have an effective runway length of 1,800 feet and a runway width of 50 feet. Public use airports (water) shall have an effective runway length of 3,900 feet and a runway width of 250 feet. Effective runway length is reduced by 20 percent for each one percent of longitudinal gradient in excess of two percent. Additional length and width requirements will be as recommended in FAA Advisory Circular 150/5300-13, as amended and supplemented.

ii. Runway safety areas shall be as recommended in FAA Advisory Circular 150/5300-13, as amended and supplemented.

iii. Each runway will have protected airspace consistent with its intended use, as determined by criteria described in 14 CFR Part 77, N.J.A.C. 16:62, and FAA Advisory Circular 150/5300-13, as amended and supplemented, to provide obstacle free aircraft operating areas. This protection includes clear zones, runway protection zones, side slopes, and transitional surfaces. A minimum approach slope ratio of 20:1 is required.

iv. Operational lighting systems are required for airports operating during hours of darkness. Minimum airport lighting will consist of runway lights, threshold lights, and a lighted wind indicator. Runway lights will be spaced not more than 200 feet apart. Additional lighting and visual aids may be required consistent with airport use. FAA Advisory Circular 150/5340-24, as amended and supplemented, will be used for lighting standards. Water facilities will comply with U.S. Coast Guard and other agencies requirements for lighting of sealanes.

v. Pavement marking will conform to standards of FAA Advisory Circular 150/5340-1, as amended and supplemented, and is mandatory consistent with each runway use classification.

2. Public use heliports are as follows:

i. Public use heliports shall be not less than 100 feet by 100 feet or 100 feet in diameter, exclusive of the safety area. This minimum size may limit user access and larger facilities may be required to accommodate anticipated aircraft size and activity. FAA Advisory Circular 150/5390-2C, as amended and supplemented, will be used in designing heliports.

ii. Imaginary surfaces and approach/departure paths will provide protected airspace for two ingress/egress routes of not less than an 8:1 ratio.

iii. Lighting and visual aids are required for operation during hours of darkness and shall, at a minimum, include perimeter lighting and a lighted wind indicator. FAA Advisory Circular 150/5390-2C, as amended and supplemented, will be used in determining the extent and location of lighting systems.

iv. Heliport marking will be as required in FAA Advisory Circular 150/5390-2C, as amended and supplemented.

3. Public use balloons are as follows:

i. A public use balloonspot shall be not less than 200 feet by 200 feet or 200 feet in diameter. Obstruction clearance for departures will be determined for a 1:1 slope ratio.

ii. Night operation of balloons shall be conducted in accordance with applicable Federal aviation regulations and sufficient lighting should be provided on the ground for safety of operation.

4. Public use airship base are as follows:

i. The length of an airship base will not be less than one and one-half times the overall length of the largest airship anticipated to use the facility. This measurement will begin at the mooring mast and extend in the direction of the landing path. A 20:1 obstacle-free approach/departure path will be provided.

ii. Lighting must be provided for night operations. This may consist of a flashing beacon on the mooring mast and adequate floodlighting to assure obstruction avoidance.

5. Parachute drop zone shall be as follows:

i. Public use parachute drop zones shall comply with the drop zone requirements of the USPA Skydivers Information Manual, 2016-2017 Edition, incorporated herein by reference, as amended and supplemented.

ii. Night parachuting activities will comply with 14 CFR 105.19 and sufficient ground lighting should be provided to illuminate the center portion of the drop zone.

6. Ultralight recreational facilities are as follows:

i. Minimum runway dimensions of 500 feet by 100 feet with longitudinal and transverse gradients not exceeding 4.0 percent and runway landing thresholds located a minimum of 200 feet inside the airport property line as measured along the extended runway centerline;

ii. Unobstructed runway end approaches for a distance of 1,000 feet along the extended runway centerline, with a slope of 15 feet horizontal to one foot vertical. The obstruction free area shall extend laterally 50 feet on each side of the centerline of the runway approach threshold and increase uniformly in width to 100 feet on each side of the centerline at a point 500 feet from the runway end;

iii. Runway end and edge markings as necessary to define the runway limits; and

iv. A wind indicator.

16:54-6.3 General design standards for restricted use aeronautical facilities

(a) All restricted use aeronautical facilities shall meet the minimum design standards for the respective type of public use aeronautical facility as set forth below:

1. Restricted use airports shall meet the standards set forth for public use airports;
2. Restricted use heliports and helistops shall meet the design requirements of FAA Advisory Circular 150/5390-2C, as amended and supplemented;
3. Restricted use balloonsports shall meet the following design requirements:
 - i. Consist of a minimum size of 100 feet by 100 feet or 100 feet in diameter;
 - ii. Maintain a 1:1 obstruction clearance ratio for departures from the balloonsport; and
 - iii. For night operations, provide ground lighting that adequately illuminates the operating area to assure operational safety;
4. Restricted use airship bases shall meet the following design requirements:
 - i. Consist of a minimum size, the radius of which is equal to one and one-half times the length of the largest airship anticipated to use the facility;
 - ii. Maintain a 10:1 obstacle free approach and departure path and a 1:1 obstruction clearance ratio for the perimeter of the airship base;
 - iii. For night operations, provide lighting in accordance with the provisions of N.J.A.C. 16:54-6.2 for public use airship bases; and
5. Restricted use parachute drop zones shall conform to the drop zone requirements outlined in the USPA Skydivers Information Manual.

(b) Waivers or exemptions to specific design criteria may be requested in accordance with N.J.A.C. 16:54-11.

16:54-6.4 General design standards for special use aeronautical facilities

(a) All special use aeronautical facilities shall meet the minimum design standards for the respective type of aeronautical facility as set forth in (a)1 through 6 below:

1. Special use airports shall meet the standards set forth for restricted use airports as set forth in N.J.A.C. 16:54-6.3;
2. Special use heliports and helistops shall meet the design requirements of FAA Advisory Circular 150/5390-2C, as amended and supplemented;
3. Special use balloonsports shall meet the following design requirements:
 - i. Consist of a minimum size area which has a diameter not less than the height of the inflated balloon including the basket;
 - ii. Maintain a 1:1 obstruction clearance ratio for departures from the balloonsport; and
 - iii. For night operations, provide ground lighting that adequately illuminates the operating area to assure operational safety;
4. Special use airship bases shall meet the same design requirements set forth for restricted use airship bases; and
5. Special use parachute drop zones shall conform to the drop zone requirements outlined in the USPA Skydivers Information Manual.

(b) If any of the design standards for special use aeronautical facilities set forth in this section cannot be met, the applicant or licensee shall:

1. Submit to the Bureau copies of the aircraft manufacturer's performance data, for the specific aircraft proposed for use at the facility, which shows that the aircraft can, in accordance with manufacturer's and FAA standards, safely use the facility; and

2. If requested by the Bureau, conduct a flight demonstration, at a licensed public use aeronautical facility, in a space of like dimensions to that proposed in the application, and using the aircraft proposed for use at the special use aeronautical facility.

(c) Special use aeronautical facilities will not be licensed, or approved for use by any aircraft whose minimum performance and operating limits do not permit operations within the available dimensions of the facility.

16:54-6.5 (Reserved)

SUBCHAPTER 7. OPERATIONAL STANDARDS

16:54-7.1 General operational standards

(a) Each licensed aeronautical facility shall prepare and maintain at the aeronautical facility, a facility operations manual which includes the following materials:

1. The facility operating hours and hours attended;

2. Emergency operations information, including:

i. Emergency notification procedures; and

ii. Notification list for use in emergencies with telephone numbers for the facility owner(s), the operator, the local fire department, police, ambulance or emergency medical service, nearest New Jersey State Police Barracks, the Bureau of Aeronautics, the appropriate FAA Flight Standards District Office, and the NTSB;

3. Emergency procedures to be used in the event of:

i. Fire;

ii. Police or security activity;

iii. Rescue or emergency medical service response; and

iv. Aircraft accident or incident reporting;

4. Facility inspection procedures;

5. Facility air traffic pattern(s);

6. Procedures to use in issuing or cancelling NOTAMs;

7. A directive from the airport management, which requires that all aircraft which are parked or stored at the aeronautical facility for more than a 24-hour period to utilize a two-lock system that secures or disables the aircraft to prevent operation of the aircraft. A two-lock security system shall be any system of two separate locking devices, which must both be unlocked and would individually have the effect of either securing the aircraft, denying access to the cockpit, or disabling or inactivating key parts of the aircraft engine or flight control systems. Under this paragraph, separate locking devices in a two-lock system can include any combination of keyed or coded aircraft entry door lock, cockpit door lock, locking hangar door, keyed magneto or starter switch, master power switch or battery cut-off, throttle or mixture

lock, locking fuel cut-off, a flight control lock, propeller lock, chain or cable, a locking wheel lock or chock, locking tie-down cable, lock in-place pitot tube cover, "club" type devices for the control yoke, or other similar devices. The Bureau, with the concurrence of the Domestic Security Preparedness Task Force, shall be authorized to waive the provisions of this paragraph for airports that have airport security programs which have been approved by the Federal Transportation Security Agency under the provisions of Airport Security Program regulations at 49 CFR 1542.101 et seq.; and

8. A directive from the airport management which requires that aircraft hangar doors have working keyed or coded locking devices and that hangar doors be closed and locked when they are unattended. The Bureau, with the concurrence of the Domestic Security Preparedness Task Force, shall be authorized to waive the provisions of this paragraph for airports that have airport security programs which have been approved by the Federal Transportation Security Agency under the provisions of Airport Security Program regulations at 49 CFR 1542.101 et seq.

(b) For the purpose of issuing Notices to Airmen in an emergency, licensees shall additionally delegate NOTAM issuing authority to the Bureau. This delegation shall be made to the FAA Flight Service Station with jurisdiction for the facility.

(c) Reporting of accidents and incidents shall be accomplished as follows:

1. Licensees or their agents shall immediately report all aircraft accidents or incidents occurring on their aeronautical facility which cause any property damage or injury to any person, as well as all known aircraft accidents or incidents occurring nearby, to the local police and to the Bureau.

2. Licensees or their agents shall immediately notify the Bureau of any accident or incident which occurs on their aeronautical facility which affects the operational capability of the facility or requires the closure or shutdown of any portion of the facility.

3. These reporting requirements as outlined in (c)1 and 2 above do not relieve the operator or aircrew of any aircraft involved in an accident or incident from any responsibility to comply with notification provisions of FAA, State or NTSB regulations.

(d) Aeronautical facility air traffic patterns shall be established in accordance with the following procedures:

1. Licensees shall have all aeronautical facility air traffic flight patterns approved by both the FAA in accordance with 14 CFR Part 157 and by the Bureau.

2. Licensees of any aeronautical facility who wish to change the air traffic flight patterns shall concurrently submit to the Bureau and to the FAA, the proposed changes in accordance with 14 CFR Part 157.

i. The Bureau will evaluate the proposal, consider input from the appropriate governing body of the affected municipality(ies), and will either approve, modify, or reject the proposal. Airspace or safety factors will prevail over other considerations.

ii. The Bureau decision will be forwarded to the FAA for use in the 14 CFR Part 157 air traffic flight pattern determination.

iii. Aeronautical facilities may not implement any proposed air traffic flight pattern change until it has been approved by the Bureau and by the FAA.

(e) Licensees may establish noise abatement procedures for their facility as follows:

1. Any proposed noise abatement procedure or change to an existing noise abatement procedure shall be submitted to the Bureau for review, and consideration of input from the appropriate governing body of the affected municipality(ies).

2. Noise abatement procedures may not be implemented until they have been approved by the Bureau.

3. Any proposed noise abatement procedure which requires FAA approval must be approved by the FAA and by the Bureau prior to being implemented.

16:54-7.2 Operational standards for public use aeronautical facilities

(a) All public use aeronautical facilities shall maintain a facility operations manual as required by N.J.A.C. 16:54-7.1(a), with the following additions:

1. An aeronautical facility self-inspection program plan which includes:
 - i. A checklist of items to be inspected;
 - ii. A schedule of such inspections;
 - iii. Notification procedures for discrepancies found; and
 - iv. Corrective action procedures for discrepancies found;
2. Procedures for the control and use of vehicles on the aeronautical operations area;
3. Winter operations snow and ice control plans;
4. Aircraft recovery plan, which includes:
 - i. Procedures to be used in recovering damaged aircraft located on or near the facility;
 - ii. A list of recovery equipment and sources of that equipment including telephone contacts; and
 - iii. A list of firms capable of accomplishing the recovery;
5. A listing of aeronautical activities conducted at the facility; and
6. A copy of the approved general operating rules for the facility, as required by N.J.A.C. 16:54-5.2(d).

(b) Licensees of public use aeronautical facilities shall prepare aeronautical operations area ground operating procedures, which shall be used by all facility users. The procedures shall be made a part of the facility general operating rules as required by N.J.A.C. 16:54-5.2.

(c) The Manager may require noise abatement procedures to be prepared for a public use aeronautical facility, in accordance with N.J.A.C. 16:54-7.1(e), in the interest of good community relations. Communities that believe they are adversely impacted by aircraft noise from adjacent public use aeronautical facilities may request the Manager to take action. When notice is received from the appropriate governing body of an impacted municipality, the Manager will require the licensee to prepare noise abatement procedures.

(d) The licensee of each public use aeronautical facility shall enforce the aeronautical facility's approved general operating rules as required in N.J.A.C. 16:54-5.2(d).

(e) Traffic pattern altitudes for fixed wing aircraft operations at public use airports shall not be less than 1,000 feet AGL (above ground level), except where required for operational considerations and/or as directed by FAA for airspace, safety, or operational reasons.

16:54-7.3 Operational standards for restricted aeronautical facilities

(a) All restricted use aeronautical facilities shall maintain a facility operations manual as required by N.J.A.C. 16:54-7.1(a), with the following additions:

1. An aeronautical facility self inspection program plan which includes:
 - i. A checklist of items to be inspected;
 - ii. A schedule of such inspections;
 - iii. Notification procedures for checklist discrepancies found; and
 - iv. Corrective action procedures, if required, for checklist discrepancies found;
2. Procedures for the control and use of vehicles on the aeronautical operations area;
3. Procedures for approving the use of the facility by an individual;
4. Procedures for advising facility users about the conditions of the facility and any restrictions at the facility which might affect aircraft operations;
5. A listing of aeronautical activities conducted at the facility, along with a copy of the approved aeronautical activity standards for the facility; and
6. A copy of the facility general operating rules, in accordance with N.J.A.C. 16:54-5.3(e), if applicable.

(b) The licensee of each restricted use aeronautical facility that has general operating rules written and approved for the facility in accordance with N.J.A.C. 16:54-5.2(d) shall enforce the aeronautical facility's approved general operating rules.

16:54-7.4 Operational standards for special use aeronautical facilities

The Manager may require licensees of special use aeronautical facilities to comply with specific provisions of N.J.A.C. 16:54-7.2 or 7.3, or other operational standards, when necessary to promote the public safety, the safety of the general flying public, or the safety of those using the aeronautical facility.

16:54-7.5 Operational standards for ultralight recreational facilities

(a) Any facility licensed as an ultralight recreational facility shall be exclusively for the use of ultralight aircraft and use by any other type of aircraft is specifically prohibited.

(b) Ultralight recreational facilities shall be for daytime landing and takeoff use only. Daytime shall be defined as use one-half hour before local sunrise to one-half hour after local sunset. Nighttime use of an ultralight recreational facility for landing and takeoff shall be specifically prohibited.

SUBCHAPTER 8. TEMPORARY AERONAUTICAL FACILITIES

16:54-8.1 Temporary licenses

(a) The Bureau may issue a temporary aeronautical facility license for a special purpose, at a designated area, which normally requires no facility preparation, and for a limited period of time which shall not exceed nine months.

(b) Temporary licenses may be issued for the following facilities:

1. Airport;

2. Airship base;
3. Balloonspot;
4. Helistop;
5. Parachute drop zone; or
6. Any other facility as may be designated by the Manager.

(c) MEDEVAC operations are not required to have temporary licenses.

(d) Temporary licenses issued by the Bureau shall indicate the following:

1. An expiration date not to exceed the last day of the ninth month after the date of issuance;
2. Delineation of approved operations; and
3. All applicable privileges or limitations specified by the Bureau.

(e) Extensions of temporary licenses may be granted by the Manager for a period not to exceed 90 days. Requests for extension shall be submitted to the Bureau in writing with an explanation for the request.

(f) A temporary license may be issued for a facility in conjunction with an application for permanent license. Temporary licenses issued in conjunction with an application for a permanent license shall expire:

1. Upon issuance of a permanent license;
2. If the application for a permanent facility is disapproved by the Department; or
3. Three hundred sixty-four days from date of issuance. Temporary licenses may be reissued if the applicant is actively pursuing meeting the requirements of this chapter for a permanent license.

16:54-8.2 Application for temporary license

(a) An application for a temporary license shall:

1. Include Application Form DA-5, Application for Temporary Aeronautical Facility License;
2. If submitted as a combined request with an application for a permanent license, be prepared in compliance with the requirements for a permanent facility of the same type; and
3. Be received by the Bureau at least 10 working days prior to the requested start date, unless a shorter time period can be justified by the applicant and is approved by the Bureau.

(b) Applications shall include:

1. A letter, statement, or certificate from the appropriate governing body (mayor, township administrator, business administrator, or chief of police) or a municipal resolution, which states that there is no objection to the issuance of the temporary license;
2. A sketch or current satellite photograph, which includes sufficient detail to demonstrate that the proposed facility is capable of accepting the operation proposed.
 - i. For parachute drop zones for parachuting exhibitions, the sketch or current satellite photograph shall include the landing area and all obstacles and terrain in accordance with the USPA Skydivers Information Manual and FAA AC 105-2E, incorporated herein by reference, as amended and supplemented;

3. Certification that the areas to be utilized are under the control of the applicant or are being used with the permission of the landowner;

4. A description of the provisions to be made for the safety of those persons in the immediate vicinity of the operation and those participating in the operations;

5. The name, address, and phone number of the person responsible for the conduct of operations at the proposed facility;

6. Aircraft specifications and performance data indicating that the intended operations can be safely conducted in the areas intended for use; and

7. A list of airmen and other persons intending to utilize the facility and their qualifications.

(c) Requests for waivers of application requirements for a temporary facility shall follow the procedures in N.J.A.C. 16:54-3.1(b).

(d) A complete copy of the application and all attachments shall constitute the temporary facility record.

(e) A temporary license may be issued for a facility in conjunction with an application for permanent license. The combined requests shall include a written notice from the appropriate governing body that it has no objection to the operation of the temporary facility pending processing of the application for a permanent facility.

16:54-8.3 General requirements for temporary aeronautical facilities

(a) The general requirements for temporary aeronautical facilities, which are licensed in conjunction with an application for a permanent license shall substantially meet the requirements for permanent facilities as outlined in N.J.A.C. 16:54-5.

(b) Temporary aeronautical facilities that require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-3 for each site, unless the requirements are waived in accordance with the provisions of N.J.A.C. 16:54-3.1(b). Each approved auxiliary site will be listed on the facility license.

16:54-8.4 Design standards for temporary aeronautical facilities

The design standards for temporary facilities that are licensed in conjunction with an application for a permanent license shall substantially meet the requirements for permanent facilities, as outlined in N.J.A.C. 16:54-5.

16:54-8.5 Operational standards for temporary aeronautical facilities

(a) The operational standards for temporary facilities that are licensed in conjunction with an application for a permanent license shall substantially meet the requirements for permanent facilities, as outlined in N.J.A.C. 16:54-7.

(b) The Manager may require licensees of temporary facilities not in conjunction with an application for a permanent license to comply with specific provisions of N.J.A.C. 16:54-8.1, 8.2, and 8.3, when necessary to promote the public safety, the safety of the general flying public, or the safety of those using the aeronautical facility.

(c) Minimum airman qualifications for use of a temporary facility are as follows:

1. A student pilot certificate is not an acceptable minimum airman qualification, except for ballooning operations at a temporary balloonsport;

2. For demonstration or exhibition use of a facility, an applicable FAA Commercial Pilot certificate is the minimum acceptable airman qualification, except:

- i. For ballooning operations which require an applicable FAA Private Pilot certificate; or
- ii. For private pilots acting as pilot in command in accordance with all of the provisions of 14 CFR 61.113(d).

3. For a parachute drop zone for parachute exhibitions, a USPA "C" level qualification is the minimum acceptable qualification.

SUBCHAPTER 9. AIRPARKS

16:54-9.1 Airparks

(a) The Bureau may authorize the establishment of airparks, subject to the applicable provisions of this chapter and N.J.A.C. 16:62, Air Safety and Zoning. Any airpark established under this chapter shall:

1. Comply with all applicable municipal and other local regulations, approvals and permits;
2. Be designed and operated in a manner not inconsistent with the controlling Airport Layout Plan;
3. Conform to operational safety restrictions or conditions as determined necessary by the Bureau; and
4. Conform to vertical height development restrictions as may be established by Federal regulation or any other applicable Bureau regulation.

(b) Operational rules for access to the airport from the airpark shall be subject to Bureau approval and shall be specifically outlined in the aeronautical facilities operation manual of the airport, as required under N.J.A.C. 16:54-7.

(c) An application for an airpark shall be administratively processed by the Bureau as an alteration to an existing aeronautical facility and the application shall be made utilizing the applicable procedural and substantive requirements under N.J.A.C. 16:54-3.

16:54-9.2 (Reserved)

16:54-9.3 (Reserved)

SUBCHAPTER 10. AERONAUTICAL FACILITY SECURITY

16:54-10.1 Aeronautical facility security

(a) In addition to any other aeronautical facility security provisions of this chapter, in those instances where the Bureau both determines that a certain security device or measure must be installed or implemented at an aeronautical facility and where the Bureau assumes all costs associated with the security device or measure, the installation or implementation of security device or measure shall become a condition of license or license renewal. Any license holder who does not consent to the installation or implementation of a security device or measure by the Bureau as a condition of license or license renewal shall have the right to a hearing on the matter before the Office of Administrative Law.

(b) In addition to any other aeronautical facility security provisions of this chapter, in those instances where the Bureau determines that it is necessary for the airport license holder or

their designee(s) to possess certain emergency communications equipment, and where the Bureau assumes all costs associated with the emergency communications equipment, the utilization of the emergency equipment shall become a condition of license or license renewal. Any license holder who does not consent to the utilization of the emergency communications equipment as a condition of license or license renewal shall have the right to a hearing on the matter before the Office of Administrative Law.

(c) The license holder for each aeronautical facility shall post permanent signage at their aeronautical facility which shows, in the event of an emergency, the telephone number(s) for the facility owner or operator, the local fire department, police, ambulance or emergency medical service, nearest New Jersey State Police Barracks, the Bureau of Aeronautics, the appropriate FAA Flight Standards District Office, Transportation Security Administration, and the National Transportation Safety Board. At a minimum, such signage shall be posted in the immediate vicinity of the primary area for automobile parking, the main terminal, and at the primary point of aircraft fueling.

16:54-10.2 (Reserved)

16:54-10.3 (Reserved)

16:54-10.4 (Reserved)

SUBCHAPTER 11. WAIVERS AND EXEMPTIONS

16:54-11.1 General requirements

(a) Applicants or licensees who believe themselves to be adversely affected by any rule of this chapter, and who believe further that exceptional circumstances or hardship warrant a waiver or exemption from a rule, may petition the Director for relief.

(b) Waivers may be requested if the situation requiring the relief is of a temporary nature.

(c) Exemptions may be requested if the situation requiring the relief is of a continuing nature, and which requires permanent or long term relief from a rule.

16:54-11.2 Requests for waiver

(a) Requests for waiver regarding design criteria or facility requirements shall include:

1. A letter marked "Request for Waiver" which states the specific rule from which relief is being requested, along with a complete description of, and reasons for the request;
2. An attached drawing of the facility or appropriate section thereof, which shows the area involved in the request;
3. An attachment, if appropriate, explaining what measures or alternatives will be used to meet the intent of the rule; and
4. An attachment explaining the time period requested for the waiver, and an explanation of how full compliance is planned at the end of the waiver period.

(b) Requests for waiver for matters not covered in (a) above shall include:

1. A letter marked "Request for Waiver" which states the specific rule from which relief is being requested, along with a complete description of, and reasons for the request;

2. An attachment, if appropriate, explaining what measures or alternatives will be used to meet the intent of the rule; and

3. An attachment, explaining the time period requested for the waiver, and an explanation of how full compliance is planned at the end of the waiver period.

16:54-11.3 Petitions for exemption

(a) Petitions for exemption regarding design criteria or other matters for which a Form DA-1 is suitable, shall include:

1. A Form DA-1 with all pertinent attachments as required by N.J.A.C. 16:54-4.1 marked "Petition for Exemption"; and

2. Appropriate attachments which include a complete description of, and reasons for, the proposed exemption, explaining in detail why the rule provisions cannot be met.

(b) Petitions for exemption for matters not covered in (a) above shall include:

1. A letter requesting the exemption marked "Petition for Exemption" and

2. Appropriate attachments which include a complete description of, and reasons for, the proposed exemption, explaining in detail why the rule provisions cannot be met.

16:54-11.4 Filing, decisions, and appeals

(a) Requests for waivers and petitions for exemption shall be filed with the Director. The Director will review the petition and may approve, reject, or modify the exemption.

(b) Rejected requests or petitions that will result in license denial, modification, suspension, or revocation, may be appealed in accordance with the provisions of N.J.A.C. 16:54-13.3.

16:54-11.5 (Reserved)

SUBCHAPTER 12. VIOLATIONS AND PENALTIES

16:54-12.1 Compliance with laws, rules and regulations

Issuance of a license does not relieve licensees of their responsibility to comply with any other applicable Federal, state, or local laws, rules or regulations.

16:54-12.2 License action

Any license issued pursuant to the provisions set forth in this chapter may be modified, suspended, or revoked in the interest of public safety or as a result of a violation of the terms of the license and/or any of the provisions of this chapter and/or any of the provisions of N.J.S.A. 6:1-1 et seq. or the rules promulgated thereunder.

16:54-12.3 Misrepresentation or false statement

(a) Any person who makes a misrepresentation or false statement in any application, interview, or submission of information to the Bureau, shall be considered to be acting contrary to the provisions of this chapter and Title 6 of the New Jersey statutes.

(b) Any application which is found to contain misrepresentations or false statements shall be rejected, and any license issued as a result of that application shall be suspended, unless

the Commissioner determines that public health, safety, or welfare requires that the aeronautical facility license should not be suspended pending submission of a corrected application. Corrections to such applications shall be made within 30 days, or the Commissioner may then suspend, extend the suspension of, or revoke the license.

16:54-12.4 Actions contrary to the rules

Any person who allows, permits, or otherwise knowingly aids and abets the unlicensed or improperly licensed operation of an aeronautical facility, or who allows, permits, or otherwise knowingly aids and abets any other activities, actions, or conditions that are contrary to the requirements of this chapter or N.J.S.A. 6:1-1 et seq. shall be considered to be in violation of the chapter.

16:54-12.5 Penalties for violations

(a) Any person violating any provision of N.J.S.A. 6:1-1 et seq. or these rules shall be subject to a penalty of up to \$ 1,000 for each violation, in accordance with N.J.S.A. 6:1-59.1.

(b) Any person who operates, conducts, uses, or permits others to operate, conduct, use or employ any aeronautical facility, operation, or activity which is required to be licensed, without such license being issued or renewed as required by this chapter shall be liable to a penalty of up to \$ 1,000 for each violation, in accordance with N.J.S.A. 6:1-59.1.

SUBCHAPTER 13. SUSPENSIONS AND REVOCATIONS

16:54-13.1 Suspensions

(a) Any license issued pursuant to this chapter may be suspended for a period not to exceed 90 days when, in the interest of public safety or the safety of those participating in aeronautical activities, the Bureau determines that a violation of the terms of the license and/or this chapter has occurred; or a hazard exists which threatens the safety of the general public or those participating in aeronautical activities.

(b) Any aeronautical inspector or other personnel identified in N.J.A.C. 16:60-1.3 as law enforcement officers may immediately suspend an aeronautical facility license when they deem it necessary to ensure the safety of the general public or those participating in aeronautical activities.

(c) The Bureau shall notify the licensee of suspension action immediately by the most expeditious means and shall confirm such notice in writing.

(d) Licensees may appeal suspension actions, pursuant to N.J.A.C. 16:54-14.1.

(e) Aeronautical facility licenses which have been suspended shall have the cause abated within the suspension period. Facilities which have not had corrections made during the suspension period shall be presented to the Director, who may extend the suspension or may begin action to revoke the license.

(f) The Director may hold a conference concerning any license suspension action, either when requested by the licensee or by the Department.

16:54-13.2 Revocations; appeal of revocation

(a) The Director is authorized to revoke any suspended Aeronautical Facility License when it is determined that it is in the best interest of public safety or the safety of those participating in aeronautical activities.

(b) Licensees shall be notified by the Bureau, in writing, of the Department's suspension action pending revocation. If no appeal is filed within the time period specified in N.J.A.C. 16:54-14.1, the license shall be revoked.

(c) Licenses which have been revoked shall not be reinstated. Applicants, including former licensees, shall submit a complete application package for any facility whose license has been revoked.

SUBCHAPTER 14. INFORMAL HEARINGS AND CONTESTED CASES

16:54-14.1 Informal hearings

(a) Licensees or applicants may request an informal hearing with the Department regarding denial of a petition for exemption, suspension, or revocation of a license, or license application denial. A court reporter shall not be present at an informal hearing.

(b) Requests for an informal hearing shall be made in writing to the Director within 20 days of notice related to any matters described above.

(c) If the Department determines that an informal hearing is appropriate, it shall be scheduled within 30 days.

(d) Informal hearings will be heard by the Director. The Director shall hear and review all evidence presented. Any records or documents produced or referred to by the licensee or applicant in an informal hearing shall be provided by the licensee or applicant to the Department at no cost.

(e) Within 45 days of the close of the hearing, the Director shall submit recommendations to the Commissioner regarding the matter. The recommendation shall be advisory in nature and not binding on the Commissioner. A copy of the recommendation shall be mailed to the licensee or applicant concurrently with its submittal to the Commissioner.

(f) Within 30 calendar days from the date the recommendation was mailed to the licensee or applicant, the licensee or applicant may submit written exceptions to the Commissioner. No additional submissions shall be allowed.

(g) Within 45 calendar days of the mailing of the recommendation to the licensee or the applicant, the Commissioner shall issue a final agency decision regarding the matter.

(h) Time extensions for submitting recommendations, exceptions, or replies and for the issuance of the final decision may be extended by the Commissioner for good cause pursuant to the provisions of N.J.A.C. 1:1-18.8.

(i) The Department may, in instances where public exigency exists or where there is potential for substantial savings to the Department, modify the time frames or any other requirements provided for in this section. In these instances, the Department shall document, for the record, the rationale for such amendment and give adequate notice to the licensee or applicant.

16:54-14.2 Contested cases and uncontested cases

(a) The Department shall determine whether a matter constitutes a contested case and shall refer any such matter to the Office of Administrative Law for a hearing pursuant to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) The Department may also seek, in its sole discretion, to refer any uncontested matters to the Office of Administrative Law for a hearing, pursuant to N.J.A.C. 1:1-21.

APPENDIX A

PUBLIC NOTICE

Notice of Proposed Aeronautical Facility Licensing

ALL INTERESTED PERSONS are hereby advised that the Bureau of Aeronautics, of the New Jersey Department of Transportation, has received an application from _____ (insert applicant name) for a license to establish a _____ (insert type of facility) at _____ (insert location).

Accordingly, the Bureau of Aeronautics invites written comments or objections regarding this proposed license. All comments or objections must address the issue of the effect of the proposed license upon the public health and safety.

Upon receipt of written comments or objections, and a determination by the Bureau of Aeronautics that the proposed licensing is a "contested case," as defined by N.J.S.A. 52:14B-1 et seq., this matter may be scheduled for a public hearing.

The above-named application and all related documents are available for public inspection by appointment between the hours of 9:00 A.M. and 4:00 P.M. at the Bureau of Aeronautics, New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 600, Trenton, New Jersey. Telephone (609) 530-2900.

Any interested persons may submit questions or comments, in writing, no later than 30 days from today.

All submissions regarding this matter should be directed to:

Office of Community Relations
New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600
Trenton, NJ 08625-0600